

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAVIAN K. LAWRENCE,

Petitioner

-against-

UNITED STATES OF AMERICA,

Respondent.

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NICHOLAS G. GARAUFIS, United States District Judge.

Lawrence K. Javian, who is currently detained in the Department of Homeland Security/Immigration Customs Enforcement Detention facility in Gadsden, Alabama, has filed a pro se application for stay of deportation pursuant to 8 C.F.R. § 241.6. (Docket Entry # 1.) Such applications can only be filed with “the district director having jurisdiction over the place where the alien is at the time of filing” and are not appealable. 8 C.F.R. §§ 241.6(a)-(b).¹ This court is not such a director and has no jurisdiction over Javian’s application.

Accordingly, the application is DISMISSED.

SO ORDERED.

Dated: Brooklyn, New York
September 28, 2011

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge

¹ Even if the court were to construe Javian’s application as a petition for a writ of habeas corpus under 28 U.S.C. § 2241, it would be without jurisdiction because Javian is detained in Alabama. See 28 U.S.C. § 2241(a) (“Writs of habeas corpus may be granted by . . . the district courts within their respective jurisdictions.”).

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IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 28 2011 ★

BROOKLYN OFFICE
ORDER

11-CV-4586 (NGG)